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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,095	11/04/2003	Christopher R. Schmidt	CE10729R	4403

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EXAMINER

AFSHAR, KAMRAN

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/701,095

Applicant(s)

SCHMIDT ET AL.

Examiner

Kamran Afshar, 571-272-7796

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 11-19 is/are rejected.
- 7) ☒ Claim(s) 7, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                 |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/26/2004</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8 and 11-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Smolik (U.S. Patent 6,119,005).

With respect to claims 1, 11, 18, 19 Applicant broad formulation of independent claims 1, 11 and 18 are such that its subject matter can be read onto the prior art of (i.e. Smolik (U.S. Patent 6,119,005)). Smolik discloses in detail a method of radio environment reporting (See e.g. pilot signal strength measurement and / or determination (PSM), C/I, neighbor list update message, etc. Co. 2, Lines 5-12) in a remote unit and / or in infrastructure equipment (See e.g. Mobile Switch Center, Base Station or target base station sector (See e.g. Co. 6, Lines 23-27, Co. Lines 30-34) and / or storage medium having stored thereon a set of instructions (See e.g. Flow Diagram or Fig. 1) a processor (See e.g. 202 of Fig. 2) that inherently (See e.g. Mobile station, Co. 2, Lines 5-12) does not have dedicated traffic channel resources assigned (i.e. that is in Ideal State no dedicated radio traffic channel which is vigorously known as traffic channel or voice channel that provides a path over which communicates voice, data, packet data, video are transmitted and or prior to assigning a traffic or voice channel at call setup and or handoff process), inherently receiving a first message to perform radio environment reporting on a reverse common signaling channel (i.e. that is f-csch / r-csch, forward and reverse common signaling channel, respectively are used between MS and BS to contains the information needs to updated i.e. the active set neighbor set, pilot strengths, etc.); initializing a pilot list (See e.g. 101 of Fig. 1, Co. 7, Lines 37-57); storing the pilot list (See e.g. data maintained, Co. 7, Lines 58-64) ; determining whether the remote unit must send radio environment information; when the remote unit must send radio environment information, updating

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the pilot list; and transmitting the radio environment information to infrastructure equipment (See e.g. MS, determination, calculation, mobile switch center, etc. Co. 8, Lines 6-34) and / or second message has been received, store radio environment information contained in the second message (See e.g. Flow Diagram of Fig. 3).

Regarding claims 2, 13, Smolik discloses receiving a first message comprises receiving a parameter that controls duration of radio environment reporting (See e.g. Ni, in step 101 of Fig. 1).

Regarding claims 3, 14, Smolik discloses receiving a parameter comprises receiving a timer value that sets a limit on the amount of time the remote unit is in a mode of providing radio environment information to the infrastructure equipment (See e.g. Co. 8, Lines 28-29, Co. 10, Lines 45-47 & HO Timer of Fig. 3).

Regarding claims 4, 15, Smolik discloses receiving a parameter comprises receiving a limit on a number of second messages that the remote unit transmits to the infrastructure equipment (See e.g. MAX Exceed of Fig. 3).

Regarding claims 5, 16, Smolik discloses initializing a pilot list comprises initializing a pilot list to a last Active Set on a Traffic Channel just before a dedicated RF connection between the remote unit and the infrastructure equipment is released (See e.g. Flow chart of Fig. 3).

Regarding claims 6, 17, Smolik discloses initializing a pilot list comprises initializing a pilot list to a current Active Set, wherein the current Active Set is an Active Set on a Traffic Channel at a moment the remote unit receives the first message.

Regarding claim 8, Smolik discloses after receiving the first message, the method starts a timer and wherein, when the timer expires, the method discontinues radio environment reporting (See e.g. soft handoff, update list, etc. Co. 7, Lines 49-64, exit the process, Co. 8, Lines 22-33).

Regarding claim 12, Smolik discloses determining a location of the remote unit using the stored radio environment information (See e.g. Co. 5, Lines 9-24; and sending a traffic channel assignment to the remote unit (See e.g. traffic / voice channel, Co. 5, Lines 32).

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***Allowable Subject Matter***

3. Claims 7, 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Sinnarajah (U.S. Patent 6,952,411 B2).


b) Tee (U.S. Patent 7,006,821 B2).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Feild, Joseph** can be reached @ (571) 272-4090. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Kamran Afshar**

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**